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OFFICE OF PETITIONS

In re Application of
Dr. Steven E. Zenith
Application No. 09/504,327
Filed: February 14, 2000
Attorney Docket No. 14531.152

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ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b), filed June 9, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office action mailed June 10, 2005. A Notice of Abandonment was mailed February 3, 2006. In response, on June 9, 2006, a Request for Extension of Time, a Request for Continued Examination (RCE), an amendment and the present petition were filed.

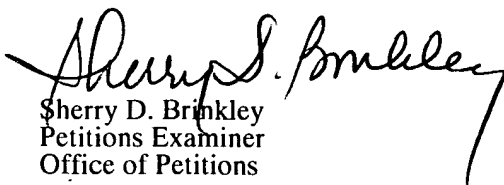
An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,005 extension of time fee submitted with the petition on June 9, 2006 was subsequent to the maximum extendable period for reply, the fee is unnecessary and will be credited to petitioner's deposit account.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

The application file is being forwarded to Technology Center AU 2173, for further processing of the request for continued examination under 37 CFR 1.114.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions